

United States Court of Appeals For the First Circuit

No. 21-1303

BOSTON PARENT COALITION FOR ACADEMIC EXCELLENCE CORP.,

Plaintiff - Appellant,

v.

THE SCHOOL COMMITTEE OF THE CITY OF BOSTON; ALEXANDRA OLIVER-
DAVILA; MICHAEL O'NEIL; HARDIN COLEMAN; LORNA RIVERA; JERI ROBINSON;
QUOC TRAN; ERNANI DEARAUJO; BRENDA CASSELLIUS,

Defendants - Appellees,

THE BOSTON BRANCH OF THE NAACP; THE GREATER BOSTON LATINO
NETWORK; ASIAN PACIFIC ISLANDER CIVIC ACTION NETWORK; ASIAN
AMERICAN RESOURCE WORKSHOP; MAIRENY PIMENTEL; H.D.,

Defendants - Intervenors - Appellees.

Before

Howard, Chief Judge,
Thompson and Kayatta, Circuit Judges.

ORDER OF COURT

Entered: December 2, 2021

In light of the district court's "Indicative Rule 60(b) Ruling" stating that, "if granted jurisdiction, this Court would **DENY** the [plaintiff-appellant's Fed. R. Civ. P. 60(b)] motion," jurisdiction is hereby ceded to the district court to the extent necessary for it to proceed as indicated. We retain jurisdiction over this appeal and will continue to hold briefing in abeyance. The appellant is directed to continue filing status reports at 30-day intervals, the next being due 30 days from entry of this order. Any party wishing to challenge a future ruling by the district court should file a new notice of appeal consistent with Fed. R. App. P. 4. See Commonwealth of Puerto Rico v. S.S. Zoe Colocotroni, 601 F.2d 39, 42 (1st Cir. 1979) ("If the motion for relief from judgment is denied by the district court, and the denial appealed, we will entertain a request to consolidate that appeal with the pending appeal from final judgment where feasible.").

By the Court:

Maria R. Hamilton, Clerk

cc:

Hon. William G. Young
Robert Farrell, Clerk, United States District Court for the District of Massachusetts
William H. Hurd
Callan G. Stein
Christopher W. Carlson Jr.
Mary Grace White Metcalfe
Kay H. Hodge
John Matthew Simon
Daniel S. Manning
Susan M. Finegan
Andrew N. Nathanson
Doreen M. Rachal
Jennifer J. Clark
Oren McCleary Sellstrom
Mathilda McGee-Tubb
Lauren A. Sampson
Janelle Heather Dempsey
Drew A. Domina
Janet Vo
Marc John Randazza
Gordon M. Fauth Jr.
Michael N. Sheetz
Adam S. Gershenson
Amanda Buck Varella
Virginia Benzan
Brian M. Alosco
Melanie Burke
Francisca Fajana